IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

JAMES W. MYART JR.,

***Plaintiff**

***Plaintiff**

***Plaintiff**

***SA-19-CV-00906-OLG**

vs.

***CITY OF SAN ANTONIO, RON
NIRENBURG, MAYOR, CITY OF SAN
ANTONIO; ERIC WALSH, CITY
MANAGER; LETICIA VACEK, SAN
ANTONIO CITY CLERK; AND JADA
ANDREWS-SULLIVAN, AS COUNCIL
PER OF DISTRICT 2,

***Defendants.**

ORDER

Before the Court in the above-styled cause of action is Plaintiff's Motion for Ruling on Emergency Basis [#9], filed on August 19, 2019. By his motion, Plaintiff asks the Court to set a hearing on his motion for a temporary restraining order [#4], which is pending before the Court. On August 15, 2019, the undersigned issued a report and recommendation to the District Court, recommending that Plaintiff's request for a TRO be denied, and issued an order denying Plaintiff's request for an emergency hearing. Although the Court mailed a copy of the report to Plaintiff at his address on file, the record does not reflect that Plaintiff had received a copy of the report at the time he filed his motion for a hearing. Because the undersigned has already denied the relief requested in Plaintiff's motion, the undersigned will dismiss this motion as moot.

Before the Court is also Plaintiff's Motion to File Notice of Appeal [#10], filed August 20, 2019. By this motion, Plaintiff seeks leave to appeal the undersigned's order denying Plaintiff's request for a hearing, objects to the undersigned's report and recommendation, and

asks the Court to remove the undersigned from this matter based on allegations of bias. The Court will grant the motion, and the District Court will issue a ruling.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Ruling on Emergency
Basis [#9] is DISMISSED AS MOOT.

IT IS FURTHER ORDERED that Plaintiff's Motion to File Notice of Appeal [#10] is GRANTED. The District Court will review Plaintiff's appeal and issue a ruling.

SIGNED this 21st day of August, 2019.

ELIZABETH S. ("BETSY") CHESTNEY UNITED STATES MAGISTRATE JUDGE